#

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3925 OF 2006

Satinder Chumbak .. Applicant
Versus
State of Maharashtra .. Respondent

Mr.V.V.Yadav for applicant
Mr.S.S.Pednekar, A.P.P. for State.

WITH

CRIMINAL APPLICATION NO.3956 OF 2006

Nikhil Kharbanda .. Applicant
Versus
State of Maharashtra .. Respondent

Ms.Sunita Sharma for applicant
Mr.S.S.Pednekar, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 15th November 2006

P.C.

. Leave to amend to correct C.R.number is granted. Amendments to be carried out forthwith.

2. These applicants are arrested in connection with C.R.No.I-253 of 2006 registered with Vashi Police station alleging offences punishable under section 489B and 489C read with 34 I.P.C.

3. From a perusal of the statement, copy of which is at Annexure A, it is apparent that the applicant in Application No.3925 of 2006 has been arrested because he was named by one Nikhil Kharbanda. He is arrested from Delhi. Prima facie, this application made during the course of investigation can be considered because apart from the statement of co-accused, there does not appear to be any material with the prosecuting agency to connect applicant with the offences punishable under section 489B of I.P.C. As far as offence Section 489C is concerned, the same is bailable.

4. The only apprehension of the A.P.P. is that applicant has been arrested from Delhi and

he is permanently residing at Delhi. That aspect can be taken care of by imposing stringent condition.

5. As far as Applicant in Application No.3956 of 2006 is concerned, he has been arrested in connection with C.R.No.I-253 of 2006 registered with Vashi police station. The applicant has submitted that he has been also arrested in the light of the statement of co-accused, Sumeet Shrivastava. Applicant is gainfully engaged as a businessman and residing at Delhi. For the reasons assigned in Application no.3925 of 2006, and case of applicant in Application No.3956 of 2006 being identical he is also enlarged on bail on the following conditions.

i) The applicants (1) Satinder Chumbak and (2) Nikhil Kharbanda arrested in connection with C.R.No.I 253 of 2006 registered with Vashi Police Station

shall be enlarged on bail in the sum of Rs.25,000/- each with one or two local sureties in the like amount.

ii) The bail is granted subject to condition that the applicants will remain present before the concerned investigating officer of Vashi police station once a week on every Friday between 11.00 a.m. and 5.00 p.m. till charge sheet is filed and thereafter as directed by the trial court. Applicants shall submit their passport, if any, to I.O.

iii) The order of bail will be given effect only after the applicants furnish to the investigating officer the details about their place of residence and address where they propose to stay after they are enlarged on bail. The applicants will not change their

residential address thereafter till the conclusion of trial without prior intimation to the Investigating officer.

iv) The bail is granted subject to condition that the applicants shall not directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

v) The applicants shall cooperate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicants to delay the trial may be a ground for cancellation of bail.

vi) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of

trial.

vii) Application is disposed of in above terms.

viii) Parties to act on an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)